THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16938 OF 2006

14.08.2006

Between:

Kandadi Yadi Reddy, S/o.late Venkat Reddy

… Petitioner

AND

The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16938 OF 2006

ORDER:

The father of the petitioner is allegedly owner of considerable extents of lands comprises in survey Nos.27, 28 and 29 situated at Roshandoula Village of Saroornagar Mandal in Ranga Reddy District. He filed a declaration under Section 6(1) of Urban Land (Ceiling and Regulations) Act, 1976 (ULC Act, for brevity) before the second respondent. The second respondent processed the same and by proceedings dated 26.6.2006 determined the petitioner (after death of the father, petitioner came on record) as surplus landholder to an extent of 1,44,282.26 Sq.mts. Against the said order dated 18.3.2006, the petitioner filed an appeal being Appeal No.103 of 2006 before the first respondent under Section 33 of ULC Act. The petitioner also filed an application for stay of further proceedings consequent to the orders of the second respondent. By an order dated 31.7.2006, the first respondent dismissed the application for stay taking into consideration the submission made by the Special Government Pleader that the petitioner did not submit objections when draft statement was sent to the petitioner under Section 8(1) and 8(3) of ULC Act. Instead of assailing the said order directly, the petitioner filed the present writ petition seeking the following relief.

> For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in invoking the provisions of the Urban Land (Ceiling and Regulations) Act in respect of the petitioner's lands in Survey No.27, 28 and 29 of Roshandoula village, Saroornagar Mandal, Ranga Reddy District, after 30 years on the basis of the alleged declarations filed in 1976 in spite of the judgments of this Hon'ble court reported in 2002(2) ALD 253 (DB), 2002(3) ALD 236 and 2002(3) ALD 78, as illegal, malafide and without jurisdiction and further that the action of the first respondent in refusing to grant stay pending the appeals filed by the petitioners in Appeal No.103/2006 as malafide, unjust, arbitrary and violative of Article 14 of the Constitution of India and pass such other order or orders as

this Hon'ble Courtmay deem fit and proper in the circumstances of the case.

When knowingly petitioner faced the second respondent and thereafter aggrieved by the proceedings of the second respondent knowingly filed appeal under Section 33 of ULC Act, it was grossly improper on the part of the petitioner to have prayed for the relief as above. For this reason, this Court is not inclined to entertain the writ petition except making an observation that the first respondent may dispose of the appeal within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 14, 2006
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